

EXHIBIT 10

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----X
4 THE AUTHORS GUILD, INC., et al.,
5
6 PLAINTIFFS,
7
8 -against- Case No:
9 05CV8136 (DC)
10
11 GOOGLE INC.,
12
13 DEFENDANT.
14 -----X
15

10 DATE: January 4, 2012
11 TIME: 1:05 P.M.
12
13

14 DEPOSITION of a Plaintiff, BETTY MILES, taken
15 by the Defendants, pursuant to a Notice and to the
16 Federal Rules of Civil Procedure, held at the offices of
17 MILBERG, LLP, One Pennsylvania Plaza, New York, New York
18 10119, before Deborah Garzaniti, a Notary Public of the
19 State of New York.
20
21
22
23
24
25

B. MILES

1 owns the rights to, that's my right and that's the right
2 of every author, so.

3 Q. Do you consider that an economic right?

4 A. Among others.

5 Q. Have you lost any sales of books as a
6 result of Google Books?

7 A. I have no way of knowing that.

8 Q. Do you think that Google scanning and a
9 snippet display of your out of print books has resulted
10 in lost sales?

11 MR. BONI: Objection to form. You can
12 answer.

13 A. I don't know.

14 Q. Do you think that Google scanning and a
15 snippet display of your out of print books has resulted
16 in economic harm to you in the form of lost sales?

17 A. No.

18 Q. Have you done anything to try to find out
19 whether there have been any lost sales?

20 A. No.

21 Q. Are any of your books currently in print?

22 A. It is a little unclear. Most of them are
23 out of print. Some of them are in print in certain
24 versions and not in ours, and publishers hold on to the
25 category in print as long as they possibly can.

B. MILES

1 marked as Miles Exhibit 2 for identification as of this
2 date by the Reporter.)

3 Q. I have put in front of you what has been
4 marked as Miles Exhibit 2. Do you recognize what is
5 depicted here?

6 A. Yes.

7 Q. What is it?

8 A. A page from the book called The Real Me.
9 I don't know if it is a full page or not, actually not.

10 Q. In the upper right corner do you see the
11 Amazon logo. It is a little dim.

12 A. It is too dim.

13 Q. Do you see in the upper right corner you
14 see Look Inside? The upper left corner. Sorry.

15 A. Yes.

16 Q. Have you used the Look Inside feature?

17 A. No.

18 Q. Do you know that this much of a page of
19 The Real Me was available to be viewed on Amazon.com?

20 A. No.

21 Q. Do you object to Amazon.com of making
22 this much of a page available on Amazon.com?

23 A. As I just said, the usual small bit is
24 what I expect and would prefer to see.

25 Q. Do you think that the availability of as

B. MILES

1 much text as you see here on Exhibit 2 could harm sales
2 of The Real Me?

3 A. Oh, probably not.

4 Q. Why not?

5 A. Well, it gives a flavor of the style.

6 Q. Any other reason?

7 A. No.

8 Q. Did you authorize Amazon to display this
9 much of a page of The Real Me on Amazon.com?

10 A. No.

11 Q. Do you know if anyone did?

12 A. No, I don't.

13 Q. Do you know if the The Authors Guild?

14 A. I doubt it.

15 MR. BONI: Don't guess, Betty. Say what you
16 want. Don't doubt or not doubt.

17 A. I don't know.

18 MR. BONI: He doesn't want your guesses. He
19 wants to know what you know.

20 Q. Looking again at Exhibit 2, you said that
21 this particular excerpt wasn't something that you
22 objected to because it gave a flavor of the book. Is
23 there any --

24 A. I didn't say -- first I said I thought I
25 didn't object to it, then second you said why would

B. MILES

1 Q. How?

2 MR. BONI: The search for Annie is the
3 question.

4 A. Yes.

5 MR. BONI: Make sure you understand the
6 question.

7 A. I don't understand. That's the key word
8 for the search.

9 Q. Yes.

10 A. No, I don't know.

11 Q. Focusing your attention on the three
12 snippets that are shown on the first page of Exhibit 8,
13 could a person read these snippets and then not need to
14 buy The Trouble With Thirteen?

15 MR. BONI: Asked and answered.

16 A. That's true. Yes, we did go through
17 that.

18 Q. Sorry. What was the answer?

19 A. We did go through that earlier.

20 Q. Is it right that reading these three
21 snippets is not a substitute of needing to buy a copy of
22 The Trouble With Thirteen?

23 A. Yes.

24 Q. Turning to the fourth page of Exhibit 8,
25 this is a similar web page, but you will see that the